REMARKS

The application contains claims 1-35. By this amendment, claims 1-3, 5, 8, 11, 15, 19-21, 26, 29 and 32 have been amended. No new matter has been added. In view of the foregoing amendments and following remarks, Applicant respectfully requests allowance of the application.

Interview

Applicant thanks Examiner Hoffman for the courtesies extended to Applicant's representative Wesley Jones during the telephone interview of April 10, 2007. A summary of the substance of the interview is set forth below.

During the interview, Applicant's representative provided an overview of the claimed invention and highlighted distinguishing features of the claimed invention in comparison to the cited art. No agreement as to the patentability of the claims was reached. The arguments made by Applicant's representative are developed further herein.

Prior Art Rejections

Claims 1-35 stand rejected under 35 U.S.C. § 103(a) as being unpatenable over *Albrecht et al.* (U.S. Pat. No. 5,950,011) in view of *Chou et al.* (U.S. Pat. No. 5,892,906). Applicant respectfully requests withdrawal of these rejections because the cited art fails to teach or suggest, either alone or in combination, all elements recited in the claims.

Representative claim 1 recites:

> An apparatus for serving a plurality of devices through a communications network, the apparatus comprising:
> a memory for storing a plurality of records associated with the devices, respectively;
> an input element for receiving from a selected device **a request that is generated upon initial power up of the selected device** for configuration of the selected device from a generic configuration to a selected or custom configuration through the communications network, the request including coded information;
> a processor responsive to the request for locating a record associated with the selected device, and verifying an identity of the selected device based on the coded information, the record including stored information concerning the selected or custom

configuration for the selected device, the selected or custom configuration corresponding to a predetermined feature set of the selected device; and

an output element for providing through the communications network to the selected device information objects for modifying the generic configuration to the selected or custom configuration based on the stored information when the identity of the selected device is verified.

Albrecht et al., at minimum, fails to teach or suggest "receiving from a selected device **a request that is generated upon initial power up of the selected device** for configuration of the selected device from a generic configuration to a selected or custom configuration through the communications network" as recited in claim 1.

In an aspect of the present invention, a generically configured system issues a configuration request to a remote server during the first power up of the system. The request can be issued automatically and can occur only at initial power up (i.e., the request is only issued once). The request is received and processed by the remote server. Based on information contained in the request, the system issuing the request can be verified by the server. Upon successful verification, a custom configuration can be transferred to the requesting system. *See, e.g., pg. 2, line 23 – pg. 3, line 6.*

In contrast, *Albrecht et al.* is not directed to a system that issues a request for configuration upon initial power up of the system. Specifically, *Albrecht et al.* fails to disclose "receiving from a selected device **a request that is generated upon initial power up of the selected device** for configuration of the selected device from a generic configuration to a selected or custom configuration through the communications network" as recited in claim 1. *Albrecht et al.* also fails to disclose responding to the request by "**locating a record associated with the selected device**, and **verifying an identity of the selected device** [issuing the request] **based on the coded information** [included in the request]" as recited in claim 1. Further, *Albrecht et al.* fails to disclose "providing . . . to the selected device information objects for modifying the generic configuration [of the device that issued the request] . . . **when the identity of the [ ] device is verified**" as recited in claim 1 as well.

Applicant also traverses the official notice taken on page 7 of the Office Action relating to claims 10 and 28. The permissibility of taking official notice unsupported by documentary evidence is limited to only those situations where "the facts asserted [are] well-known, or [are]

common knowledge in the art [and so] are *capable of instant and unquestionable demonstration* as being well-known." *MPEP § 2144.03(A)* Applicant contends that the features of claims 10 and 28, namely that "request is automatically generated on an initial power up of the apparatus," are not so well know as to be capable of instant and unquestionable demonstration. The Office Action alleges that the features of claims 10 and 28 are well know because they "prevent software and network corruption." Applicant disagrees and contends that software and network corruption can be prevented during configuration of a device at any time during operation of the device and so does not necessarily require a request for configuration, or the configuration itself, to be automatically generated upon initial power up of the requesting device. Further, no prior art has been cited during prosecution of the present invention which discloses the features of claims 10 and 28. Applicant therefore requests the Examiner to reconsider and withdraw the official notice or otherwise provide documentary evidence clearly showing that the features of claims 10 and 28 are well-known.

Applicant further contends *Chou et al.* fails to cure the deficiencies of *Albrecht et al.* Further, Applicant notes that the security/verification features of *Chou et al.* are implemented during each boot sequence and are limited to communication between local devices (i.e., directly connected devices). In contrast, in an aspect of the present invention, an encrypted request for configuration can be issued only at initial power up of a requesting device. Further, in an aspect of the present invention, the request is issued to and verified by a remote device, not a locally directly connected device.

For at least the foregoing reasons, Applicant believes claim 1 is allowable over the cited art. Claims 2-7 depend from independent claim 1 and are allowable for at least the reasons applicable to claim 1, as well as due to the features recited therein.

Independent claims 8, 15, 19, 26 and 32 recite features similar to those recited in claim 1 and are therefore allowable over the cited art for at least those reasons applicable to claim 1. Further, claims 9-14, 16-18, 20-25, 27-31 and 33-35 are allowable for at least those reasons stated above and based on their respective dependencies on independent claims 18, 15, 19, 26 and 32.
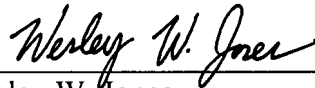
CONCLUSION

Applicant respectfully requests entry of the above amendments and favorable action in connection with this application. The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Kenyon & Kenyon Deposit Account No. 11-0600. The Examiner is invited to contact the undersigned at (202) 220-4419 to discuss any matter concerning this application.

All claims are allowable. Allowance is solicited.

Respectfully submitted,

Dated: April 19, 2007

Wesley W. Jones
Reg. No. 56,552
Kenyon & Kenyon LLP
1500 K Street, N.W., Suite 700
Washington, D.C. 20005-1257
(202) 220-4419

656781_1.doc